

Approved For Release 2004/01/21 : CIA-RDP80M00165A000800140001-1

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N.W.
WASHINGTON, D.C. 20006

Executive Registry

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8-15
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OFFICE OF THE CHAIRMAN

(202) 392-5947

October 19, 1977

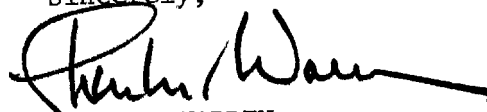
26 OCT 1977

Mr. John F. Blake
Acting Deputy Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Mr. Blake:

Thank you for your recent letter and assistance to the
Global 2000 Study. We are most grateful.

Sincerely,



CHARLES WARREN

EXECUTIVE REGISTRY FILE

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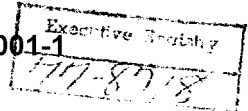
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Remarks:

Approved For Release 2004/01/21 : CIA-RDP80M00165A000800140001-1

Executive Secretary
 Date



EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N. W.
WASHINGTON, D. C. 20006

AUG 11 1977

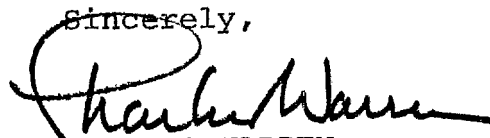
Admiral Stansfield Turner
Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Admiral Turner:

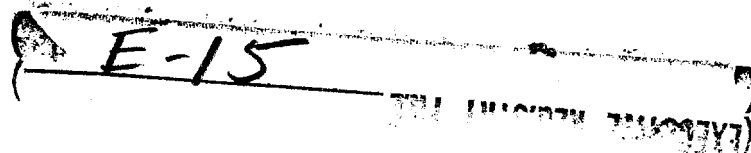
The enclosed interim guidance, which I am today sending to the heads of federal agencies, provides procedures which all federal agencies should use in referring to the Council proposed federal actions found to be environmentally unsatisfactory. I look forward to working with you to ensure that these procedures contribute to the earliest possible resolution of interagency disagreements on environmental matters related to projects covered by environmental impact statements.

The accompanying explanatory memorandum provides background information on the procedures. If you or your staff have any questions, please contact me or Nick Yost, Acting General Counsel, at 633-7027.

Sincerely,


CHARLES WARREN
Chairman

Enclosure

A handwritten "E-15" is written over a horizontal line. Below the line is a stamp that reads "ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED".

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EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N. W.
WASHINGTON, D. C. 20006

August 11, 1977

MEMORANDUM

TO: Heads of All Agencies

SUBJECT: Interim Guidance to Federal Agencies on Referrals to the Council
of Proposed Federal Actions Found to Be Environmentally
Unsatisfactory

Under Section 309 of the Clean Air Act, the Administrator of the Environmental Protection Agency is directed to review and comment publicly on the environmental impacts of proposed federal actions, including actions for which environmental impact statements are prepared under the National Environmental Policy Act. The scope of the Administrator's review extends to any impact addressed in legislation administered by EPA. If at the conclusion of this review the Administrator determines that the proposed action is "unsatisfactory from the standpoint of public health or welfare or environmental quality," he is directed by Section 309 to refer the matter to the Council on Environmental Quality.

Similar reviews of environmental impact statements, including judgments on the acceptability of anticipated environmental impacts, are made by other federal agencies under Section 102(2)(C) of NEPA and the Council's Section 102(2)(C) guidelines, 40 C.F.R. §§ 1500.9 - 1500.11. Under NEPA, these reviews must be made available to the President, the Council and the public. Thus, while EPA is given a mandatory responsibility to refer certain matters to the Council, authority to refer matters to the Council is available to all agencies with relevant expertise under the National Environmental Policy Act.

The Council has never adopted procedures for receiving and handling referrals to it of proposed federal actions which have been found to be environmentally unsatisfactory by EPA or another federal agency. It is our intention to do so now, initially in the form of the interim guidance which is attached. As you know, in compliance with Executive Order No. 11991 (May 24, 1977), we are in the process of developing regulations implementing NEPA generally. More formal referral procedures will be included in such regulations.

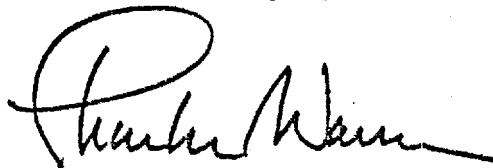
The interim procedures in the attached memorandum thus have two purposes:

1. They are intended to guide the process until the adoption of formal regulations.

2. They are presented for use by all agencies so that the final regulations, when adopted, will reflect our experience and collective wisdom.

In Executive Order No. 11991, the President directed the Council to develop procedures in its NEPA regulations "for the referral to the Council of conflicts between agencies concerning the implementation of the National Environmental Policy Act of 1969, as amended, and Section 309 of the Clean Air Act, as amended, for the Council's recommendation as to their prompt resolution." The procedures in the interim guidance for Section 309 referrals by EPA and similar referrals by other agencies are a first step in fulfilling the President's directive.

We appreciate your anticipated cooperation in making the procedures in the interim guidance work and in aiding us in developing the final regulations.

A handwritten signature in dark ink, appearing to read "Charles Warren", with a large, stylized initial "C" and a long horizontal stroke extending to the right.

CHARLES WARREN
Chairman

Enclosure

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N. W.
WASHINGTON, D. C. 20006

August 11, 1977

INTERIM GUIDANCE TO FEDERAL AGENCIES ON REFERRALS
TO THE COUNCIL OF PROPOSED FEDERAL ACTIONS
FOUND TO BE ENVIRONMENTALLY UNSATISFACTORY

1. Purpose

This guidance establishes procedures for the referral to the Council on Environmental Quality of interagency disagreements over proposed major federal actions that might cause unsatisfactory environmental effects. The purpose of this guidance is to provide a basis for the early resolution of such disagreements.

Under Section 309 of the Clean Air Act, the Administrator of the Environmental Protection Agency is directed to review and comment publicly on the environmental impacts of proposed federal actions, including actions for which environmental impact statements are prepared under the National Environmental Policy Act. If at the conclusion of this review the Administrator determines that the proposed action is "unsatisfactory from the standpoint of public health or welfare or environmental quality," he is directed by Section 309 to refer the matter to the Council on Environmental Quality.

Similar reviews of environmental impact statements, including judgments on the acceptability of anticipated environmental impacts, are made by other federal agencies under Section 102(2)(C) of NEPA and the Council's Section 102(2)(C) guidelines, 40 C.F.R. §§ 1500.9 - 1500.11. Under NEPA, these reviews must be made available to the President, the Council and the public.

This guidance provides procedures for EPA or other federal agencies to refer to the Council proposed major federal actions which the referring agency believes to be environmentally unsatisfactory. The guidance establishes procedures for the early notice of possible referral, for the timing and content of referrals, for any response by the proposing agency, and for Council action.

It is the Council's policy that these environmental referrals should reflect an agency's careful determination that the proposed action raises significant environmental issues of national importance. In determining what kinds of environmental objections to a proposal are appropriate to refer to the Council, agencies should weigh the proposal's feared environmental impacts in terms of their possible violation of national

environmental standards and policies (where they exist) and their severity, geographical scope, duration and precedential importance. Referrals should only be made to the Council after concerted, timely, but unsuccessful attempts to resolve differences with the proposing agency. The nature of the Council's response to referrals will be commensurate with the significance of the proposed actions and their possible impacts.

2. Definitions

The following definitions apply to these guidelines:

- (a) "Council" means the Council on Environmental Quality.
- (b) "Lead agency" means the federal agency which has prepared or has taken the lead role among federal agencies in preparing the environmental impact statement (EIS).
- (c) "Referring agency" means the federal agency which has referred any proposal to the Council after a determination that the proposal is unsatisfactory from the standpoint of public health or welfare or environmental quality.
- (d) "Proposal" includes:
 - (1) with respect to the Environmental Protection Agency, any proposed legislation, project, action, or regulation as those terms are used in Section 309(a) of the Clean Air Act, and
 - (2) with respect to all other agencies, any proposed major federal action to which Section 102(2)(C) of the National Environmental Policy Act applies.

3. Procedure for referrals and response

All agencies subject to NEPA or Section 309 of the Clean Air Act shall comply with the following procedures in making referrals to the Council:

- (a) The referring agency shall advise the lead agency at the earliest possible time that it intends to refer a proposal to the Council unless the proposal is changed as the referring agency recommends. Such advice shall be included in the referring agency's comments on the lead agency's draft EIS in all cases except where the draft EIS contains insufficient information to permit an assessment of the proposal's environmental acceptability. (Where such needed information is not contained in the draft EIS, the referring agency shall identify the needed information and request that it be made available by the lead agency at the earliest possible time.) Copies of such advice shall be sent to the Council.

(b) The referring agency shall deliver its referral to the Council not later than twenty-five (25) days after the final EIS has been made available to the Council, commenting agencies, and the public. Except where an extension has been granted by the lead agency, the Council will not accept a referral subsequent to that date.

(c) The referral shall consist of:

(i) A copy of the letter signed by the head of the referring agency which has been delivered to the lead agency informing the lead agency of the referral, the reasons for it, and requesting the lead agency take no action to implement the proposal until the referral is acted upon by the Council. The letter shall include a copy of the document referred to in paragraph 3(c)(ii) below.

(ii) A statement supported by evidence as to the specific facts, or controverted facts, leading to the conclusion that the proposal is unsatisfactory from the standpoint of public health or welfare or environmental quality. The statement shall (A) identify any material facts in controversy as well as incorporate (by reference if appropriate) agreed upon facts, (B) identify any existing environmental laws or policies which would be violated by the proposal, (C) present the reasons the referring agency believes the proposal is environmentally unsatisfactory, (D) contain a finding by the agency as to whether the issue raised is one of national importance because of the threat to national environmental resources or policies or for some other reason, (E) review the steps taken by the referring agency to bring its concerns to the attention of the lead agency at the earliest possible time, and (F) give the referring agency's recommendations as to what mitigation, alternatives, further study, or other course of action (including abandonment of the proposal) are necessary to remedy the situation.

(d) Not later than twenty (20) days after the delivery of the referral to the Council, the lead agency may deliver a response to the Council and the referring agency. Upon application to the Council by the lead agency and upon assurance that the proposal will not go forward in the interim, the Council may extend this period of time. The response shall address fully the issues raised in the referral, shall be supported by evidence, and shall give the lead agency's response to the referring agency's recommendations.

(f) After receipt of the referral and any response, the Council may take one or more of the following actions:

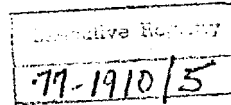
- (i) conclude that the process of referral and response has successfully resolved the problem;
- (ii) initiate discussions with the agencies with the objective of mediation with referring and lead agencies;
- (iii) hold public meetings or hearings to obtain additional views and information;
- (iv) publish its findings and recommendations (including where appropriate a finding that the submitted evidence does not support the position of an agency); or
- (v) on matters of clear national importance, submit the referral and the response together with the Council's recommendations to the President for decision.

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NOTE FOR: Acting DDCI

FROM : Anthony A. Lapham
General Counsel

Jack:

It is my opinion that we can now go forward and carry out the proposed transfer of funds to CEQ.

It appeared for a while that there would be a serious problem in making the transfer because of an explicit prohibition against funding interagency committees without prior and specific congressional approval. Discussions with the General Counsel, CEQ, have resolved the apparent problem. Where at first it appeared that the funds would be used for a prohibited interagency committee, it has now been made clear that the funds are to be used for a contract study to be administered by CEQ, thus bringing the situation within the general authority for such transfers contained in the Economy Act.

CEQ has acknowledged agreement with our statement of the clarified situation in a letter of understanding to them.

Anthony A. Lapham

STAT

77-1910/17

ER
copy

21 September 1977

NOTE FOR: Acting DDCI


FROM: Anthony A. Lapham
General Counsel

Jack:

In my opinion sufficient authority for this expenditure is contained at 31 U.S.C. §691, which provides:

Appropriations of the executive departments and independent establishments of the Government shall be available for the expenses of committees, boards, or other interagency groups engaged in authorized activities of common interest to such departments and establishments and composed in whole or in part of representatives thereof who receive no additional compensation by virtue of such membership: Provided, That employees of such departments and establishments rendering service for such committees, boards, or other groups, other than as representatives, shall receive no additional compensation by virtue of such service.

In forming my opinion, I have assumed that the "Global 2000 Study" is an activity in which we have an interest in common with the other participating departments and agencies.


Anthony A. Lapham

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EXECUTIVE SECRETARIAT

Routing Slip

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SUSPENSE 28 Sept 77
Date

Remarks: To 5: Please draft response in coordination with 12 for DCI signature.

D/ Executive Secretary
14 Sep 77
Date

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(EXECUTIVE REGISTRY FILE

E-15

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N. W.
WASHINGTON, D. C. 20006

September 12, 1977

Honorable Stansfield Turner
Director, Central Intelligence Agency
Washington, D. C. 20505

Dear Admiral Turner:

At the last meeting of the coordinators of the "Global 2000 Study," at which you were represented by Frank Rossomondo, we discussed, among other things, the project's budget. We determined to proceed on a "bare bones" basis until specific needs could be identified and a firm figure assigned. We estimated the basic budget at \$250,000.

CEQ has contributed \$50,000 and we are asking each participating agency to contribute a similar sum to enable us to get at least started. We hope you are in a position to at least match this amount with your fiscal '77 funds. If so, please confirm and we will make the necessary arrangements.

Thank you for your cooperation and assistance.

Sincerely,



CHARLES WARREN
Chairman

cc: Patsy Mink
Frank Rossomondo

*Frank Rossomondo
has been very helpful and
the report should be of
substantial assistance to
both our agencies.*
Charles

STAT

MEMORANDUM FOR

Approved For Release 2004/01/21 : CIA-RDP80M00165A000800140001-1

19/0/2 A
Comptroller called to say that
if DCI concurs in this action,
DCI should sign the letter by
COB Tuesday as that is the
end of the Fiscal Year.

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Date

Approved For Release 2004/01/21 : CIA-RDP80M00165A000800140001-1

FORM NO. 241 REPLACES FORM 36-8 (47)
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Approved For Release 2004/01/21 : CIA-RDP80M00165A000800140001-1

SUBJECT: Letter to The Honorable Charles Warren

CONCURRENCES:

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[Redacted Signature]

Deputy Director for Intelligence

16 SEP 1977

Date

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[Redacted Signature]

CP Comptroller *bf*

16 Sept 77

Date

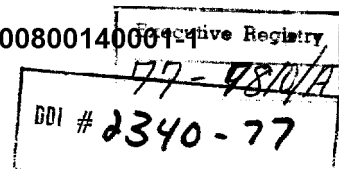
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DDI: [Redacted] :mak:16 Sep 77



22 JUN 1971

E-15

The Honorable Douglas M. Costle
Administrator
United States Environmental
Protection Agency
Washington, D. C. 20460

Dear Mr. Costle:

We are pleased to support EPA's efforts to evaluate the problems relating to the exposure of the general population to environmental nonionizing electromagnetic radiation. We have been concerned with foreign research and standards in this area for some time.

For data on this foreign work, please contact [redacted] Office of Scientific Intelligence, Life Sciences Division. He will be the Agency's point of contact for EPA on this project.

Yours sincerely,
/s/ Stansfield Turner

STANSFIELD TURNER

(EXECUTIVE REGISTRY FILE E-15)

cc: Mr. David E. Janes
Environmental Protection Agency

CONCURRENCE :

Acting Director of Scientific Intelligence

13 JUN 1977

Dato

Deputy Director for Intelligence

~~13 JUN 1977~~
Date

Date _____

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OSI/LSD/ (10 Jun 77)

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77-7810



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAY 27 1977

THE ADMINISTRATOR

Dear Admiral Turner:

The Environmental Protection Agency is considering whether or not there is a need to issue guidance to Federal agencies for controlling the exposure of the general population to environmental nonionizing radiation, i.e., guidance for controlling the exposure of persons, not occupationally exposed, to radio-frequency and microwave radiation. If guidance is determined to be necessary, the Environmental Protection Agency will issue this guidance under the function and authorities of the Federal Radiation Council that were transferred to the Agency under Reorganization Plan No. 3 of 1970. This function, as indicated in 42 U.S.C. Sec. 2021, directs that "The Administrator shall advise the President with respect to radiation matters, directly or indirectly affecting health, including guidance for all Federal agencies in the formulation of radiation standards and in the establishment and execution of programs of cooperation with states." Our plans are to determine the need for guidance early in 1978 and, if Federal Guidance is needed, to publish the proposed guidance in the Federal Register in April 1979.

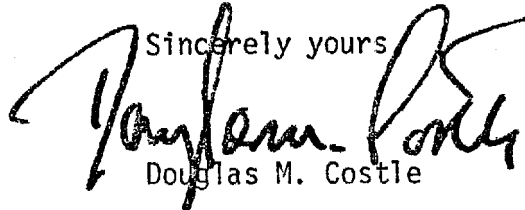
The decision on the need for guidance and the level of guidance involves consideration of many factors including, among others, the results of biological effects research, existing environmental nonionizing radiation levels, the potential impact of emerging technologies on existing environmental levels, and the impact of guidance on Federal agency programs. EPA is actively pursuing information in all these areas. To ensure that we have identified all of the issues that are pertinent to our consideration of the need for guidance, we would like to involve your Agency in this early stage of our decision process.

We anticipate that we will be requesting various kinds of information from your Agency in a progressively more comprehensive analysis involving the factors to be included in our decision process. In order to facilitate communications between your Agency and the Environmental Protection Agency, I am requesting that you designate an individual whom we might contact to obtain the information needed by EPA. The name of the person designated should be sent to EPA's project officer for this activity:

David E. Janes, Chief
Electromagnetic Radiation Analysis Branch
Office of Radiation Programs
Environmental Protection Agency
9100 Brookville Road
Silver Spring, MD 20910
Telephone: (301) 427-7604

I greatly appreciate your assistance in this matter. We will keep your designee informed of the progress of our considerations.

Sincerely yours


Douglas M. Costle

Admiral Stansfield Turner
Director, Central Intelligence Agency
Washington, DC 20505

cc:



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Approved For Release 2004/01/21 : CIA-RDP80M00165A000800140001-1



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COUNCIL ON ENVIRONMENTAL QUALITY

Mr. John F. Blake
Acting Deputy Director
Central Intelligence Agency
Washington, D.C. 20505

OFFICE OF THE CHAIRMAN
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, DC 20006
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SUSPENSE		14 June 77 Date			

Remarks: Please prepare response for DCI signature via DDCI, designating contact point. (Note copies sent by originator to two OSI officers.)

D/Executive Secretary
7 June 77
Date

3637 (5-77)

25X1

RECEIVED SECRETARY OF THE STATE
E-15